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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,376	03/07/2007	Mathias Franz	2003P08761 (NSN)	6460
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EXAMINER KIHRODHAR, MAHARISHI V				
ART UNIT 2463		PAPER NUMBER		
MAIL DATE 02/28/2011		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,376

Applicant(s)

FRANZ ET AL.

Examiner

MAHARISHI KHIRODHAR

Art Unit

2463

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7th of March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Transposition of Patent Drawing Review (PTO-940)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed 12/14/2010 have been fully considered but they are not persuasive. Considering the first reference that was used by the examiner (H. Schulzrinne), the applicant argues that Schulzrinne does not teach or suggest a packet based voice system that additionally support in - band signaling. Examiner would like to point out that the claim is given its broadest reasonable interpretation, so although the reference talks about RTP packet, the DTMF handling for gate ways and end system would definitely read on the claim limitation, since there is no particular protocol that is disclosed by the claimed limitation. Applicant further argues that Schulzrinne does not teach a packet based voice dialog system that additionally supports in-band signaling, Examiner would like to point out the reference does teach a packet network, since the document deals with an internet phone (Page two) that carries in-band signalling, where the gate way needs to remove the in-band signalling from the bit stream, that can be carried out-of band for processing (Page 2). In conclusion, the examiner would like to say that the subject matter is closely related to the applicant disclosed invention, of which the in-band signal is separated and it is then further process. From the proposed argument the examiner admits there is no evidence in the primary reference that clearly implies that the codecs are process either in hardware or software. Based on the new art rejection below, examiner would like to point out in the secondary reference of Salesky codecs can be process either in hardware or software (Column 4, lines 49 – 55).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Request for comments: 2833(Networking working group, H.Schulzrinne, May 2000) in view of Salesky et al. (US 7,310,675 B2)

Claim 14, Schulzrinne discloses: A method for determining the type of transmission of signaling information (Abstract) between a first and a second packet network terminal (Page 4, 3rd paragraph, where the PSTN gateways or Internet end systems generates DTMF events and do not perform their own audio waveform analysis) for a simplifying processing of the signaling information with relation to a dialogue with a speech dialogue system in a packet network (Page 4, 3rd paragraph, where the Interactive voice response (IVR)) system is responsible for the audio waveform analysis), comprising:

providing a speech dialogue system without special hardware devices (Page 2, lines 1 - 3, where the burden on the tone recognition on the receiver is eliminated) for the support of in- band signaling; specifying the speech dialog system(Page 4, 3rd paragraph, Interactive voice response (IVR));

avoiding codecs with in-band signaling for the transmission of signaling information

(Page 1, last paragraph, lines 7 - 10); determining either a codec with out-of-band-signaling (Page 2, second paragraph, lines 10 -12) supported by both packet network terminals or signaling by specially labeled data packets for the transmission of signaling information (Page 1, introduction, where separate RTP payloads are desirable since they provide higher redundancy maintaining a low bit rate). Schulzrinne also disclose the method perform according to RFC 2833 (entire document).

Schulzrinne does not disclose: in the case that for the transmission via the packet network a codec with out-of-band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined, a speech dialogue system supporting in-band signaling is specified as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, and a coding method with in-band signaling is determined for the transmission of the signaling information.

Salesky disclose: in the case that for the transmission via the packet network a codec with out-of-band signaling or signaling according to RFC 2833 supported by both packet network terminals cannot be determined, a speech dialogue system supporting in-band signaling is specified as a packet network terminal instead of the speech dialogue system without special hardware for the support of in-band signaling, and a coding method with in-band signaling is determined for the transmission of the signaling information (column 4, lines 49 – 53).

It would have been obvious at the time the invention was made to modify Schulzrinne's system to include codecs in either hardware or software as taught by Salesky. The motivation for making the above modification would have been easier for the processing of the codecs within the system depending on whether it can be done in hardware or software (Column 4, lines 55 – 60).

Claim 16, is analyzed with respect to claim 15, the only difference is that the controlling the speech dialog system independently of the selected codec. This limitation is inherently taught by Salesky (Column 4, lines 49 – 55, since there must be some sort of controller that switches between the processing in hardware or software, if perhaps applicants clarify how the controlling mechanism works, it would better clarify the claim limitation).

Claim 22 is analyzed with respect to claim 16.

Claim 17, Salesky further discloses: The method according to claim 16, with relation to a codec negotiation/determination, a codec is selected that is supported by both packet network terminals (Column 4, lines 49 - 54, where the endpoint has to support the common codec).

Claim 19, Salesky further discloses: The method according to claim 16, wherein the speech dialogue system is controlled by a control device that is represented by a packet based exchange, a call server, a proxy server, or a soft switch (Column 4, lines 32 – 35).

Claim 23 is analyzed with respect to claim 19.

Claim 21, Schulzrinne further discloses: The method according to claim 16, wherein with relation to the dialogue with the speech dialogue system, an automatic output of information, speech information, video information, or both is undertaken (Page 4, 3rd paragraph).

Claim 18, Schulzrinne further discloses: The method according to claim 16, wherein the transmission of signaling information with relation to the automated information output is carried out by Dual Tone Multiple Frequency characters (Introduction, 2nd paragraph).

Claim 24, Schulzrinne further discloses: The method according to claim 14, wherein with relation to a codec negotiation/determination, a codec is selected that is supported by both packet network terminals (Page 2, second paragraph).

Claim 25, Schulzrinne further discloses: The method according to claim 14, wherein the transmission of signaling information with relation to an automated information output is carried out by Dual Tone Multiple Frequency characters (Introduction, 2nd paragraph)..

Claim 26, Salesky further discloses: The method according to claim 14, wherein the speech dialogue system is controlled by a control device that is represented by a packet based exchange, a call server, a proxy server, or a soft switch (Column 4, lines 32 – 35).

Claim 27, Schulzrinne further discloses: The method according to claim 14, wherein with relation to the dialogue with the speech dialogue system, an automatic output of information, speech information, video information, or both is undertaken (Page 4, 3rd paragraph).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAHARISHI KHIRODHAR whose telephone number is (571)270-7909. The examiner can normally be reached on Monday to Thursday, 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M.K/

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2463